

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4795 of 2020

1. Ajad Kumar S/o Mhendra Ram Resident of Village and P.O.- Bahadurpur, P.S. Alauli, District- Khagaria.
2. Vinod Kumar S/o Shankar Ram Resident of Village- Bachhouta, P.O. Bachhouta, P.S. Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Police Head Quarter, Old Secretariat, Patna, Bihar.
3. The Deputy Inspector General of Police, Bihar, Patna.
4. The Superintendent of Police, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv. Mr. Amresh Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Suman Kumar Jha, (AC to AAG-3)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ application has been filed directing the respondents to appoint the petitioners on the post of Home Guard Constable in the Bihar Police, Khagaria, who have applied for the said post vide Advertisement No. 2 of 2009 dated 09.01.2009 and have successfully qualified all physical test given criteria for appointment on the post of constable, same of the post is still bearing vacant in General Category.

3. Learned counsel for the State raised objection that

the petitioners have no case at all, as those candidates who have contested writ petitions earlier, their grievances have already been settled and petitioners are not the candidates who have moved earlier. They have moved before this Hon'ble Court after about 11 years and during pendency of the writ petition, four more years has been passed.

4. In response thereof, learned counsel for the petitioners submits that in M.J.C. No. 125 of 2015, the Hon'ble Division Bench of this Court has pleased to observe:-

“It is further made clear that our order is confined only with regard to those candidates, whose names find mentioned in the re-drawn list, wherein as Mr. Shahi submits, the number of candidates is 1308. With regard to other candidates, we leave the issue open.”

5. Learned counsel for the petitioners submits that since, this Hon'ble Court has pleased to keep the issue open, hence at least, the liberty be granted to the petitioners to submit their representation for their grievances.

6. In this background, the present writ application is disposed of directing the petitioners to file their representation before the Superintendent of Police, Khagaria, who shall decide the claim of the petitioners within 90 days thereafter. It is made

clear that if Superintendent of Police, Khagaria is not the proper person to decide the matter of the petitioners, if seat is vacant, then he shall pass reasoned order in this regard that he is not the proper authority.

(Dr. Anshuman, J)

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